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Counsel for Weinberg & Cooper LLC  
And Melissa E. Cohen, Esq.



Order Filed on September 21, 2021  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

In re:

EVARISTO BURDIEZ,

Debtor.

Case No. 20-23664 (VFP)

Honorable Vincent F. Papalia, U.S.B.J.

Chapter 13

Hearing Date and Time:  
April 15, 2021 at 11:00 a.m.

**ORDER REGARDING GLOBAL SETTLEMENT OF CLAIMS FOR  
VIOLATION OF THE AUTOMATIC STAY**

The relief set forth on the following page, numbered two (2) through four (4), is hereby  
**ORDERED.**

**DATED: September 21, 2021**

  
\_\_\_\_\_  
Honorable Vincent F. Papalia  
United States Bankruptcy Judge

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Debtor: EVARISTO BURDIEZ

Case No.: 20-23664 (VFP)

Caption of Order: **ORDER REGARDING GLOBAL SETTLEMENT OF  
CLAIMS FOR VIOLATION OF THE AUTOMATIC STAY**

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This matter having initially been brought before the Court by Roger Chavez, attorney for Debtor, Evaristo Burdiez (“Debtor” or “Burdiez”), upon the filing of a Motion seeking an Order holding that the automatic stay was violated and imposing sanctions in connection with the eviction and lockout of the Debtor and his family from the property located at 365 River Road, Bogota, New Jersey (the “Property” and the “Removal”) and the failure to stay the post-petition prosecution of a motion seeking certain relief against Debtor before the Superior Court of New Jersey (the “Motion”) [Doc. No. 35]; and the Court having entered an Order holding that the automatic stay was violated in connection with the Removal and the Motion and imposing sanctions (the “Stay Violation Order”) [Doc. No. 81]; and the Stay Violation Order having awarded attorneys’ fees in favor of Debtor in the amount of \$10,798.50 (the “Attorney Fee Award”), denied Debtor’s request for punitive damages without prejudice, and reserved Debtor’s right to seek compensatory damages for alleged lost wages, COVID-19 related damages, damages to the Property, and emotional distress sustained by members of Debtor’s family in connection with the Removal (the alleged punitive and compensatory damages are referred to, hereafter, collectively, as the “Outstanding Claims”); and the Attorney Fee Award having been paid in full; and the parties having amicably resolved the Outstanding Claims; and for other good cause having been shown:

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Debtor: EVARISTO BURDIEZ

Case No.: 20-23664 (VFP)

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It is ORDERED as follows:

1. Melissa E. Cohen, Esq., shall pay the total amount of twenty thousand dollars (\$20,000.00) to the Debtor's Chapter 13 bankruptcy estate within five (5) days after the entry of this Order by remitting a check made payable to "Marie Ann Greenberg, Chapter 13 Standing Trustee."

2. Weinberg & Cooper, LLC shall withdraw its proof of claim, Claim No. 4 (in the amount of \$11,399.27) in its entirety. Weinberg & Cooper, LLC shall also file a warrant of satisfaction/cancellation or discharge of judgment of record with respect to the judgment liens it filed against the Debtor, comprising the claims herein, in the Superior Court of New Jersey, to wit: Judgment No. J-114312-14 and Judgment No. J-091503-20. Weinberg & Cooper, LLC shall file the warrants of satisfaction/cancellations of discharges of judgment of record within fifteen (15) days from the date of this Order and shall promptly deliver proof of such filing to Debtor's counsel.

3. In exchange for and contingent upon the payment, claim withdrawal and filing warrants of satisfaction/cancellations or discharges of judgments of record set forth in paragraphs 1 and 2, above, any and all claims by Debtor individually or derivatively on behalf of any family member of Burdiez arising out of the Removal and the Motion, including but not limited to the Outstanding Claims, are hereby deemed to be satisfied in full, with prejudice.

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Debtor: EVARISTO BURDIEZ

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4. The Court shall retain exclusive jurisdiction with respect to any and all  
issues relating to the enforcement of this Order.

In re:  
Evaristo Burdiez  
Debtor

Case No. 20-23664-VFP  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Sep 21, 2021

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 23, 2021:

Recip ID	Recipient Name and Address
db	+ Evaristo Burdiez, 365 River Road, Bogota, NJ 07603-1017

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 23, 2021

Signature: /s/Joseph Speetjens

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 21, 2021 at the address(es) listed below:

Name	Email Address
Alex A Pisarevsky	on behalf of Creditor Weinberg & Cooper LLC ap@njlawfirm.com
Alex A Pisarevsky	on behalf of Interested Party Melissa Cohen Esq ap@njlawfirm.com
David Kromm	on behalf of Creditor The Port Authority of New York and New Jersey dkromm@panynj.gov panylit@panynj.gov
Denise E. Carlon	on behalf of Creditor U.S. Bank Trust National Association as Trustee for GIFM Holdings Trust dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Franklin G. Soto	on behalf of Creditor Jose Fenibal Duque-Castano yesenia@bsglaw.com sotofr96356@notify.bestcase.com
Franklin G. Soto	

District/off: 0312-2

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Date Rcvd: Sep 21, 2021

Form ID: pdf903

Total Noticed: 1

on behalf of Creditor Gloria Liliana Salazar yesenia@bsgslaw.com sotofr96356@notify.bestcase.com

Franklin G. Soto

on behalf of Creditor Claudia Marcela Duque-Salazar yesenia@bsgslaw.com sotofr96356@notify.bestcase.com

Gregory L. Van Dyck

on behalf of Creditor NJSVS Surcharge Violation System Office gregory.vandyck@law.njoag.gov

Jeffrey A. Bronster

on behalf of Creditor North Jersey Public Adjusters Inc. jbronster@bronsterlaw.com

Jill Cadre

on behalf of Debtor Evaristo Burdiez jill@cadrelaw.com

John Richard Voorhees, III

on behalf of Creditor Cecilia Otero bk@focusedlaw.com  
bk@focusedlaw.com;g35648@notify.cincompass.com;10440@notices.nextchapterbk.com

Marie-Ann Greenberg

magecf@magtrustee.com

Marie-Ann Greenberg

on behalf of Trustee Marie-Ann Greenberg magecf@magtrustee.com

Roger Chavez

on behalf of Debtor Evaristo Burdiez rchavez01@aol.com rchavez@chavezlegal.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 15